

STATE OF OKLAHOMA – DEPARTMENT OF CORRECTIONS

**FIRST AMENDMENT
TO
CONTRACT**

This **FIRST AMENDMENT** (“First Amendment”) is effective as of the last date signed by either party (“First Amendment Effective Date”) and amends and supplements that certain Contract by and between Securus Technologies, LLC (“Securus”) and the State of Oklahoma Department of Corrections (“ODOC”) effective as of February 24, 2020 (the “Contract”).

WHEREAS, ODOC and Securus are parties to the Contract and desire to amend the terms as stated herein;

NOW, THEREFORE, as of the First Amendment Effective Date and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Term. This First Amendment shall commence on the last date signed by either party and shall remain in effect through the term of the Contract. The parties hereby agree to renew the Contract for an additional year, resulting in a new termination date of February 24, 2022. By mutual consent of the parties hereto, it is intended that there shall be eight remaining annual options to renew, subject to the terms and conditions set forth in the Contract and herein.
2. Clarification of eMessaging Pricing. The SERVICE OR PRODUCT RATES/CHARGES chart on Page 63 of the Contract is hereby removed and replaced as follows:

SERVICE OR PRODUCT RATES / CHARGES			
Rate / Charge Description	Rate	Unit	Additional Information / Clarification
Per email message	\$0.25	Per msg	Inbound or outbound message
Video Gram	\$0.75	Per msg	Inbound only
Snap and Send	\$0.25	Per msg	Inbound only
Other Attachment	\$0.25	Per attachment	Inbound or Outbound

3. Deployment of Securus Wireless Devices and Network. With the deployment of wireless devices, the content available to the inmate population will be expanded through the offering of additional media formats as well as, a wider range of price points within each format. Pages 67 – 69 of the Contract are hereby removed and replaced as follows.

The tables below are to be utilized to describe INMATE MP3/4 PLAYERS AND MUSIC DOWNLOADS/STREAMING solution and all associated project costs, rates/charges and other transaction fees.

Description of the solution	INMATE MP3/4 PLAYERS AND MUSIC DOWNLOADS/STREAMING: Securus will provide a Securus Wireless Device to all ODOC approved end users. The Securus Wireless Device offers access to a variety of content, some of which is accessible at no cost and some of which is rented by the end user, including but not limited to eBooks, educational, religious, and vocational materials, songs, games, movies, podcasts, and television episodes. The Securus Wireless Device also offers access to other Securus services, such as telephone service and eMessaging.
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	<p>Securus will also provide ODOC designated staff with Securus command and control wireless devices for the purpose of management and control when using the Securus Wireless Devices.</p> <p>Securus grants end users a limited license to use the Securus Wireless Devices and content as contemplated by the Contract during the term of the Contract, but all Securus Wireless Devices and content will remain under the ownership of, as applicable, Securus or its licensors.</p>
Scale and scope of solution	Securus will provide a Securus Wireless Device to all ODOC approved end users at all ODOC facilities within the scope of the Contract. Securus will deploy secure wireless networks as needed to support the provision of the Securus Wireless Devices. ODOC will own any wiring and network cable associated with this installation; however, any other infrastructure will be owned by Securus.
Kiosk/kiosk-like hardware and associated enclosures	<p><input type="checkbox"/> wall mounted <input type="checkbox"/> pedestal <input type="checkbox"/> outdoor <input type="checkbox"/> portable <input checked="" type="checkbox"/> other, explain</p> <p>Content and services will primarily be delivered via the Securus Wireless Devices. Securus will work in good faith with ODOC in the event a docking solution is a more practicable interface for a given situation.</p>

PROJECT COSTS

Project Cost Description	Rate	Unit	Additional Information / Clarification
Cost to ODOC of providing Securus wireless devices and associated infrastructure and service	No cost to ODOC	N/A	The cost of the devices and infrastructure to ODOC were considered and included in offering the other terms in the Contract, including but not limited to the prices offered to end users in connection with Securus' services.

Rates should include all essentials of the solution including devices, accessories, music, etc.

SERVICE OR PRODUCT RATES / CHARGES

Rate / Charge Description	Rate	Unit	Additional Information / Clarification
Securus Wireless Device	No cost	Per Securus Wireless Device	<p>Securus will provide a Securus Wireless Device to all ODOC approved end users; there will not be a charge for the device itself. Each device will include one set of headphones, a case, and a charger. Charging carts will be made available in locations without access to electrical outlets.</p> <p>Each approved ODOC individual transitioning from the current MP3 player to the Securus Wireless Device will receive a \$50.00 media credit that may be used towards premium content purchases or communication services. All previously purchased music on the individual's current MP3 player will be lost during the transition.</p>

Gummy Earbuds with Microphone	\$14.99	Per unit	
Over the Ear Headphones	\$29.99	Per unit	
JP6s 7" Power Adapter	\$15.99	Per unit	
Keyboard	\$19.99	Per unit	
JP6s 7" Screen Protector	\$5.99	Per unit	
JP6s 7" Tablet Case	\$5.99	Per unit	
Additional Device Accessories	Varies by accessory	Per unit	Additional accessories may be offered and sold with ODOC's approval.
Music	\$0.69 - \$1.99	Per song	Users may access songs during the term of their incarceration. Available content is periodically updated / changed and is subject to third-party licensing agreements with content providers.
Music Albums	\$0.99 - \$14.99	Per album	Users may access songs during the term of their incarceration. Available content is periodically updated / changed and is subject to third-party licensing agreements with content providers.
Movies	Free - \$9.99	Per movie	Users have 30 days to view the content and 48 hours to view the content once the "play" button is pushed. Available content is periodically updated and is subject to third-party licensing agreements with content providers.
Television Episodes	\$1.70 - \$2.28	Per episode	Users have 30 days to view the content and 48 hours to view the content once the "play" button is pushed. Available content is periodically updated and is subject to third-party licensing agreements with content providers.
eBooks	No cost	Per book	Users may access eBooks during the term of their incarceration. Available content is periodically updated and is subject to third-party licensing agreements with content providers.
Premium eBooks	Free - \$14.99	Per book	Users may access eBooks during the term of their incarceration. Available content is periodically updated and is subject to third-party licensing agreements with content providers.
Games	Free - \$8.98	Per game	Upon rental, users may access games during the term of their incarceration. Available content is periodically updated and is subject to third-party licensing agreements with content providers.

Newsstand	\$5.99	Per month	Upon rental, users may receive daily news feed for 30 days. Available content is updated daily during the length of the subscription.
Other Types of Premium Content	To be mutually agreed by ODOC and Securus		
Law Library Access	No cost		Securus will provide access to ODOC's law library provider on all Securus Wireless Devices, provided that the proposed integration is technically practicable and subject to agreement of terms between Securus and the law library provider. ODOC is responsible for any and all costs associated with licensing the law library solution from ODOC's law library provider.
Additional Securus Services			Other accessible Securus services which have rates and fee structures otherwise specified in the Contract (such as telephone calling and eMessaging) will be offered on the Securus Wireless Devices based on the rates and fees otherwise provided in the Contract for those services.

If there are transaction / account fees associated with the Securus Wireless Device solution, specify using the table below. Taxes and other fees mandated by governmental or quasi-governmental authorities will be pass through only and should not be listed. During performance of the contract, no other fees other than those listed below shall be allowed.

OTHER FEES			
Fee Description	Fee	Unit	Additional Information / Clarification
Deposit via IVR phone/internet w/credit/debit card	\$3.00	Per funding	Securus always offers a no fee method of funding accounts.
Deposit via live operator w/credit/debit card.	\$5.95	Per funding	Securus always offers a no fee method of funding accounts.

The INMATE MP3/4 PLAYERS AND MUSIC DOWNLOADS & STREAMING section on Page 86 of the Contract is hereby removed as replaced as follows:

WIRELESS DEVICES AND NETWORK

Securus will provide a Securus Wireless Device to all ODOC approved end users. The Securus Wireless Device offers access to a variety of content, some of which is accessible at no cost and some of which is rented by the device user, including but not limited to eBooks, educational, religious, and vocational materials, songs, games, movies, podcasts, and television episodes. The Securus Wireless Device also offers access to other Securus services, such as telephone service and eMessaging. Securus will also provide ODOC designated staff with Securus Command and Control wireless devices for the purpose of management and control when using the Securus Wireless Devices.

Securus will deploy secure wireless networks as needed to support the provision of the Securus Wireless Devices. After the initial disbursement of Securus Wireless Devices to end users, ODOC will manage the supply of wireless devices; collecting wireless devices, cases, chargers, and earbuds from discharging inmates and re-issuing them to new incoming inmates. Securus will maintain a stock of earbuds at the facility for reissuing of tablets. Facility POC will request as needed. Earbuds will be issued at no cost to inmate only when issued at the time of tablet issuance.

ODOC will decommission any wireless devices, cases, chargers, and earbuds that become damaged, inoperable, or lost due to normal wear and tear. Securus will supply replacements for decommissioned wireless devices, cases, chargers, and earbuds as requested by ODOC at no cost to ODOC or end users. End users found to have purposely or maliciously damaged a device will be subject to disciplinary action and/or financial penalties as defined by ODOC policy.

Securus will offer an incentive for individuals to migrate from their existing MP3 player to the Securus wireless device as specified in Attachment B2. This incentive is not only intended to recognize the potential loss of content when migrating from the current MP3 player to the Securus device but is also intended to provide an incentive to discover access to new content and programming services that are currently not available.

4. Free Call Program. Since August 2020, in conjunction with ODOC's Covid relief efforts, Securus has been offering two ten-minute phone calls per week to each inmate at no cost to the inmate or ODOC. The visitation at ODOC facilities continues to be impacted by the Covid pandemic and relief efforts are ongoing. Both parties recognize and agree to the importance of continuing to provide this offering to the inmate population. With this amendment, Securus shall continue to offer two free ten-minute phone calls per week to each inmate without interruption until February 24, 2022, provided that the free call program may be terminated by mutual agreement of the parties. These free calls will not be commissionable and, if the free phone calls are not used during that week, the end user will not retain such free calls for that account whenever the next distribution of free phone calls occurs. Beginning on February 25, 2021, to coincide with the contract renewal period, ODOC shall share the cost of the free call program by reimbursing Securus monthly in arrears at a rate of \$0.09875 per minute based on actual minutes used during the free calls each month. Securus shall invoice ODOC each month to include a report of the call details to support the charges. Invoices shall be submitted via email to Toni Halferty at toni.halferty@doc.ok.gov.

5. ODOC Options for Alternative Compensation Structures. Notwithstanding anything to the contrary in the Contract, at ODOC's option, ODOC may request that compensation and rates under the Contract be amended to either a no commission or taxpayer-funded and no commission option at any time during the term of the Contract. If requested by ODOC, the parties will negotiate in good faith regarding an appropriate reduction to the applicable call rates if ODOC agrees to no longer receive any commission or other type of financial compensation under the Contract. For such compensation structures, Securus can also accommodate an ODOC request to transition from end user funding of telephone services to a model where those services are taxpayer-funded / paid for by ODOC.

6. Except as expressly amended by this First Amendment, all of the terms, conditions and provisions of the Contract shall remain in full force and effect.

EXECUTED as of the last date signed by either party.

<u>ODOC:</u> State of Oklahoma Department of Corrections By: <u>Signature on File</u> Name: _____ Title: _____ Date: _____	<u>SECURUS:</u> Securus Technologies, LLC (f/k/a Securus Technologies, Inc.) By: <u>Signature on File</u> Name: _____ Title: _____ Date: _____
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Please return signed contract to:

4000 International Parkway

Carrollton, Texas 75007

Attention: Contracts Administrator

Phone: (972) 277-0300